IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5884 OF 2005
IN
CRIMINAL WRIT PETITION NO.1884 OF 2005

Mr.Jagdish Shivshankar Jani ..Applicant

Vs.

Shri.Sandeep Raghvaji Gala
& Anr. ..Respondents

...
Mr.S.V.Marvadi Advocate for Applicant
Mr.S.P.Kadam for Respondent no.1
Mr.U.V.Nikam A.P.P. for the State
...

WITH
CRIMINAL WRIT PETITION NO.1884 OF 2005

Shri.Sandeep Raghvaji Gala
and Anr. ..Petitioners

Vs.

State of Maharashtra & Anr. ..Respondents

...
Mr.S.P.Kadam for Petitioners
Mr.S.V.Marwadi for Respondent no.2
Mr.U.V.Nikam A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 14, 2005

P.C.

1. The applicants preferred this application for vacating the stay granted in Cri.W.P.No. 1884 of 2005. In Cri.W.P.No.1884 of 2005 the petitioners i.e. present respondents had challenged the order of the learned Magistrate whereby the applications for recalling the complainant and for examination of defence witnesses came to be rejected.

2. Mr.Marvadi, the learned advocate for the applicant i.e. respondent-complainant in W.P.No.1884 of 2005 states that the complainant has no objection to being recalled and further cross-examined and also that the complainant has no objection to the defence witnesses being examined. Hence, by consent, defence witnesses be allowed to be examined in C.C.No.1770/S/2003 which is pending before the learned Metropolitan Magistrate, 14th Court, Girgaum, Mumbai so also the complainant is allowed to be recalled and further cross-examined. The respondent-original accused to examine defence witnesses and finish the further cross examination

of the complainant by 30.11.2005.

3. In this view of the matter, Cri.W.P.No.1884 of 2005 is allowed and Cri.Application No.5884 of 2005 is disposed of.

[SMT.V.K.TAHILRAMANI,J.]